REMARKS

Status of the claims

Claims 2-11 and 13-24 are pending in this application. Claims 16-23 have been withdrawn as allegedly directed to a non-elected invention. Claims 2-11, 13-15, and 24 are currently under consideration. Applicants hereby cancel claims 2-11, 13, and 16-24 without prejudice and reserve the right to pursue unclaimed subject matter in subsequent applications.

Formal matters

The Examiner objects to the specification because "blanks" appear in the specification on pages 4, 5, and 28, in place of ATCC and hybridoma designations of the CTLA4 antibodies. This objection had been held in abeyance until such time as the ATCC or hybridoma designations were available. Applicants previously cancelled claim 12, directed to the antibodies or hybridomas to be deposited with ATCC, and now amend the specification to remove the blanks, thereby rendering this objection moot.

The outstanding rejections

Claim 7 stands rejected as allegedly lacking proper antecedent basis and support in the written description, particularly for the claimed limitation of "reduced binding of the antibody to the human CTLA4 with the substitution of amino acid 83." The Examiner contends that Applicants' previous response failed to address this rejection by amendment or rebuttal, though Applicants previously argued that support for the claimed limitation was found on page 79, lines 2-5 of the specification, in Figure 2, and

in the description of Figure 2 on page 5, lines 22-25 of the specification. Applicants now cancel claim 7, thereby rendering this rejection moot.

Claims 2-11, 13, and 24 stand rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was allegedly not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors had possession of the claimed invention at the time the application was filed. The Examiner alleges that specification does not adequately support the newly-added limitation "wherein the antibody does not cause proliferation of a T cell." The Examiner further alleges that this limitation was not clearly disclosed in the specification and claims as filed, and that it changes the scope of the disclosure as filed. Applicants previously referred the Examiner to the specification at page 80, lines 3-19, and to Figures 4a and 4b for support of the newly-added limitation, but the Examiner was not persuaded. Applicants now cancel these claims, thereby rendering this rejection moot.

Claims 2-7, 10, 11, 13, and 24 stand rejected under 35 U.S.C. § 102(e), as allegedly anticipated by Korman *et al.*, (U.S. Patent Publication No. 2002/0086014) ("Korman"). Applicants previously argued that Korman does not teach soluble monoclonal antibodies that do not cause proliferation of a T cell. The Examiner was not persuaded, and maintains this rejection, essentially for the reasons of record. Applicants now cancel these claims, thereby rendering this rejection moot.

Claims 2-11, 13, and 24 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Korman, in view of Hamann *et al.,* (U.S. Patent No. 5,773,001) ("Hamann"). Applicants previously argued that Examiner failed to establish a *prima facie* case of obviousness because the combination of Korman and Hamann

does not teach or suggest all the limitations of the claimed invention. The Examiner was not persuaded, and maintains this rejection, essentially for the reasons of record. Applicants now cancel these claims, thereby rendering this rejection moot.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: Rebecca M. McNeill
Rebecca M. McNeill
Reg. No. 43,796